

FILED

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CLERK, U.S. DISTRICT COURT,  
WESTERN DISTRICT OF TEXAS  
BY *[Signature]* DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

ELEANORE PODBEVSEK

Plaintiff

VS.

CIVIL ACTION NO. A:05-CA-962 SS

THE HOME DEPOT, U.S.A., INC. and  
CORDELIA LIGHTING, INC.,

Defendants

JURY DEMANDED

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JOINT MOTION TO DISMISS WITH PREJUDICE

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TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW, Home Depot U.S.A., Inc. ("Home Depot") Cross-Plaintiff herein, and Cordelia Lighting, Inc. Cross-Defendant herein, and file this their Joing Motion to Dismiss with Prejudice, in the subject cause against Defendant, Cordelia Lighting, Inc., ("Cordelia") and would show unto the Court the following:

Home Depot and Cordelia hereby announce to the Court that they have settled the disputes between them. Consequently, Home Depot no longer desires to prosecute the cross-claims that it has asserted against Cordelia hereunder.

Wherefore, premises considered, Home Depot and Cordelia respectfully requests the Court to dismiss the cross-claims that Home Depot has asserted against Cordelia hereunder with prejudice to the refilling of same.

Respectfully Submitted,

By: \_\_\_\_\_ /s/

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1500005.90/DISMISS.MOT

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**ELEANORE PODBEVSEK**

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**ORDER**

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On this day came on to be heard the Joint Motion to Dismiss with Prejudice (the "Motion") submitted by Cross-Plaintiff Home Depot U.S.A., Inc. ("Home Depot") and Cross-Defendant Cordelia Lighting, Inc. After having reviewed the Motion, the court is of the opinion that the Motion should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that the Motion is GRANTED, and that Home Depot's Cross-Claims against Cordelia are hereby dismissed with Prejudice to the refilling of the same.

Signed the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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**Judge Presiding**

Approved as to Form and Substance:

LAW OFFICES OF ARTHUR K. SMITH

Arthur Smith by permission

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